

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>Christopher J. Langley (SBN 258851) chris@langleylegal.com Charity J. Miller (SBN 286481) charity@langleylegal.com THE LANGLEY LAW FIRM 261 North Sycamore Street Santa Ana, CA 92701 Tel: 714-515-5656 Fax: 877-483-4434</p> <p><input checked="" type="checkbox"/> Attorney for Debtor(s) <input type="checkbox"/> Debtor(s) appearing without attorney</p>	<p>FOR COURT USE ONLY</p> <div data-bbox="1049 264 1432 533" style="border: 1px solid black; padding: 10px; text-align: center;"><p><b>FILED &amp; ENTERED</b></p><p><b>NOV 26 2013</b></p><p>CLERK U.S. BANKRUPTCY COURT Central District of California BY <b>steinber</b> DEPUTY CLERK</p></div> <p><b>CHANGES MADE BY COURT</b></p>
<p><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION</b></p>	
<p>In re:</p> <p><b>MARIA REBECA CASARREAL</b></p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 8:13-BK-16895-CB CHAPTER: 13</p> <p><b>ORDER ON MOTION TO AVOID JUNIOR LIEN ON PRINCIPAL RESIDENCE [11 U.S.C. § 506(d)]</b></p> <p>DATE: November 14, 2013 TIME: 1:30 p.m. COURTROOM: 5D PLACE: 411 West Fourth Street, Santa Ana, CA 92701</p>

**NAME OF CREDITOR HOLDING JUNIOR LIEN: WILMINGTON TRUST COMPANY AS TRUSTEE UNDER GREENWICH INVESTORS XXXIV PASS-THROUGH TRUST AGREEMENT DATED AS OF OCTOBER 25, 2010; GMAC**

1. The Motion was: ☐ Opposed ☒ Unopposed ☐ Settled by stipulation
2. The Motion affects the junior trust deed(s), mortgage(s), or other lien(s) encumbering the following real property ("Subject Property"), which is the principal residence of debtor(s):
- Street Address: **1402 East Willow St.**  
Unit Number:  
City, State, Zip Code: **Anaheim, CA 92805**

Legal description or document recording number (including county of recording):

**LOT 132 OF TRACT 1770, IN THE CITY OF ANAHEIM, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 59, PAGES 7, 8, 9 AND 10 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.**

3. The Subject Property is subject to the following deed(s) of trust, mortgage(s) or other lien(s) in the amounts specified securing the debt against the Subject Property, which will be treated as indicated:

a. Homecomings Financial LLC/GMAC in the amount of \$ 412,379.19.

b. Wilmington Trust Company As Trustee Under Greenwich Investors XXXIV Pass-Through Trust Agreement Dated As Of October 25, 201 in the amount of \$ 58,254.88 ☒ is ☐ is not to be avoided;

c. Name of holder of 3rd lien in the amount of \$ Amount of lien ☐ is ☐ is not to be avoided;

☐ See attached page for any additional encumbrance(s).

4. The motion is:

a. ☐ DENIED ☐ with ☐ without prejudice, on the following grounds:

1. ☐ Based upon the findings and conclusions made on the record at the hearing
2. ☐ Unexcused non-appearance by Movant
3. ☐ Lack of proper service
4. ☐ Lack of evidence supporting motion
5. ☐ Other (specify):

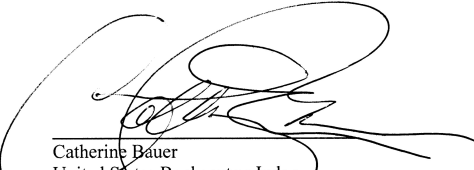
b. ☒ GRANTED on the following terms:

- i. The Subject Property is valued at no more than \$ 360,000.00 based on adequate evidence.
- ii. This avoidance of the respondent's junior lien is effective upon: ☐ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge in this case.
- iii. Before the discharge, no payments are to be made on the secured claim of the junior lienholder; maintenance payments are not to be made.
- iv. The claim of the junior lienholder is to be treated as an unsecured claim and is to be paid through the plan pro rata with all other unsecured claims.
- v. The junior lienholder's claim on the deed of trust, mortgage or lien shall be allowed as a non-priority general unsecured claim in the amount per the filed Proof of Claim. The junior lienholder is not required to, but may file an amended Proof of Claim listing its claim as an unsecured claim to be paid in accordance with the Debtor's chapter 13 plan. If an amended claim is not filed, the Trustee may treat any claim on the debt (secured or unsecured) filed by the junior lienholder as unsecured upon entry of this order.
- vi. The avoidance of the junior lienholder's deed of trust, mortgage or lien is contingent upon: ☐ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge.

- vii. The junior lienholder shall retain its lien in the junior position for the full amount due under the corresponding note and deed of trust, mortgage or lien in the event of either the dismissal of the Debtor's chapter 13 case, the conversion of the Debtor's chapter 13 case to any other chapter under the Bankruptcy Code, or if the Subject Property is sold or refinanced prior to the Debtor's ☐ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge.
- viii. In the event that the holder of the first deed of trust or any senior lien on the Subject Property forecloses on its interest and extinguishes the junior lienholder's lien rights prior to the Debtor's ☐ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge, the junior lienholder's lien shall attach to the proceeds greater than necessary to pay the senior lien, if any, from the foreclosure sale.
- ix. ☐ See attached continuation page for additional provisions.

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Date: November 26, 2013



Catherine Bauer  
United States Bankruptcy Judge

## NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled: **ORDER ON MOTION TO AVOID JUNIOR LIEN ON PRINCIPAL RESIDENCE [11 U.S.C. § 506(d)]** was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner stated below:

**1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of (date) **November 26, 2013**, the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below.

Amrane (SA) Cohen (TR) efile@ch13ac.com  
Ryan M Davies rdavies@amslca.com, bnc@amslca.com  
Christopher J Langley chris@langleylegal.com, ecflf@gmail.com  
United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

☐ Service information continued on attached page

**2. SERVED BY THE COURT VIA UNITED STATES MAIL:** A copy of this notice and a true copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the following persons and/or entities at the addresses stated below:

Maria Casarreal, 1402 East Willow St., Anaheim, CA 92805-4236

☐ Service information continued on attached page

**3. TO BE SERVED BY THE LODGING PARTY:** Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by United States mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following persons and/or entities at the addresses, facsimile transmission numbers, and/or email addresses stated below:

☐ Service information continued on attached page